

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

ZACHARY BOUVIER TAYLOR,	*	
	*	
Petitioner,	*	
	*	
v.	*	CASE NO. 4:08-CV-120 (CDL)
	*	
CYNTHIA NELSON, Warden,	*	28 U.S.C. § 2254
	*	Habeas Corpus Petition
Respondent.	*	

REPORT AND RECOMMENDATION

On August 22, 2008, Petitioner filed an Application for Federal Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Petitioner, however, did not pay the required \$5.00 filing fee nor a request to proceed *In Forma Pauperis* along with a copy of his Prison Trust Account Statement. The Court thereafter ordered Petitioner to pay the filing fee or file a **proper** application to proceed *In Forma Pauperis* within ten days. On September 9, 2008, Petitioner filed a handwritten motion to proceed without the prepayment of the filing fee, but failed to submit a certified copy of his trust account statement. No filing fee has been paid in this case and Petitioner has still not filed a copy of his trust account statement. However, the Court's prior Order [8] Dismissing Petitioner's Application for failure to pay filing fee or failure to comply with court order to regarding 28 U. S. C. § 1915, is hereby withdrawn.

IT IS HEREBY RECOMMENDED that Petitioner's Application For Federal Writ of Habeas Corpus be Denied for failure to pay filing fee and/or failure to comply with 28 U.

S. C. § 1915 regarding proper IFP filing. It is further recommended that Petitioner's Notice of Appeal be dismissed as moot. Pursuant to 28 U.S.C. § 636 (b)(1), Petitioner may serve and file written objections to this Recommendation with the UNITED STATES DISTRICT JUDGE, WITHIN TEN (10) DAYS after being served with a copy hereof.

SO ORDERED, this the 20th day of October, 2008.

S/ G. MALLON FAIRCLOTH
UNITED STATES MAGISTRATE JUDGE